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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re the Marriage of SUSAN SHONFELD  
and TREVOR SHONFELD.

SUSAN SHONFELD,

Respondent,

v.

TREVOR SHONFELD,

Appellant.

A122872

(San Francisco County  
Super. Ct. No. 763084)

In this marital dissolution action, appellant Trevor Shonfeld, who is proceeding in propria persona, appeals from an order relating to spousal support. We conclude there is no final appealable judgment or order in this case. Consequently, we dismiss this appeal for lack of appellate jurisdiction.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

The parties were married in December 1988. In or about November 2006, respondent filed for dissolution of marriage. Appellant is the chief executive officer of Roundpoint, Inc. (Roundpoint), an international company that has been described as “the leading mobile solutions provider.” When appellant refused to produce Roundpoint’s financial records, respondent served the company with a third-party subpoena on June 11, 2007. The subpoena required the production of the requested financial documents by June 25, 2007; the documents were not produced.

On July 30, 2007, respondent filed an order to show cause (OSC), seeking monthly support payments from appellant. In her supporting declaration, respondent averred that during the last decade of the parties' marriage, appellant resided primarily in the United Kingdom, while she resided at the community residence in San Francisco.

According to her income and expense declaration, respondent's monthly expenses were over \$12,000, though her income was only \$4,765 per month. Respondent proffered evidence that appellant had provided her with approximately \$6,121 per month to support her lifestyle in San Francisco. Respondent averred that appellant cut these payments to \$3,792 shortly after she filed the petition for dissolution. Respondent produced evidence that Roundpoint paid significant sums to her for personal expenses. In opposition, appellant claimed that his net monthly income was approximately \$3,790 and that he could not afford the requested support order.

As of September 2007, neither appellant nor Roundpoint had complied with the subpoena. Following a hearing on September 25, 2007, the court ordered appellant to answer the subpoena by October 5, 2007. By October 29, 2007, there was still no compliance with the subpoena.

Following the hearing on the OSC, held on October 29, 2007, the court found that throughout the marriage and continuing after separation, appellant provided monthly support to respondent in the amount of \$6,121 in post-tax deposits, which the court determined was the equivalent of \$10,201 per month in pre-tax dollars (support order). Therefore, based on this marital standard of living, together with the DissoMaster calculations indicating that respondent's monthly income was \$25,231, the court awarded respondent temporary spousal support in the amount of \$10,201 per month, retroactive to July 30, 2007.<sup>1</sup> The court further found that appellant had failed adequately to prove his earnings through supportive documentation despite requests from respondent and orders by the court that he do so. The court again ordered appellant to comply with the

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<sup>1</sup> The court also ordered that appellant pay \$2,500 per month to satisfy the support arrears that were in excess of \$30,000.

subpoena, and further ordered that appellant could not bring a motion to modify the support order until he complied fully with the subpoena; appellant did not appeal from the support order.

In the ensuing months, appellant failed to comply with the support order, requiring respondent to seek court intervention. In her subsequent motion to enforce the support order, respondent argued that an order precluding appellant from presenting evidence at trial that his monthly income was less than \$25,231 was the best course of action, in light of the fact that contempt or attachment proceedings would be ineffective, as appellant resided in the United Kingdom and all of his assets were located there.

In an order after hearing, filed on July 18, 2008 (enforcement order), the court determined that it was necessary and appropriate to enforce the support order by precluding appellant from offering evidence that his monthly income is less than \$25,231, until he complies with the support order. The instant appeal challenges this enforcement order.

## **II. DISCUSSION**

In California, a party's right to appeal is entirely within legislative control and is conferred exclusively by statute. (*Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 696.) The "one final judgment rule" provides that an appeal may be taken from a final judgment, but not an interlocutory judgment. (Code Civ. Proc., § 904.1, subd. (a)(1).) By definition, a judgment is the final determination of the rights of the parties. (Code Civ. Proc., § 577.) Thus, "an appeal cannot be taken from a judgment that fails to complete the disposition of all the causes of action between the parties even if the causes of action disposed of by the judgment have been ordered to be tried separately, or may be characterized as 'separate and independent' from those remaining." (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 743.) A judgment is final when it decides the rights and duties of the parties, terminates the litigation between the parties on the merits, and leaves no issue for future judicial determination except compliance with the judgment's terms. (*Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 304; *Olson v. Cory* (1983) 35 Cal.3d 390, 399.)

In his opening brief, appellant purports to appeal from an order made after a judgment following a court trial. Indeed, Code of Civil Procedure section 904.1, subdivision (a)(2), upon which appellant relies, authorizes this type of appeal. However, there is no final judgment in the instant case from which an appeal can be taken.<sup>2</sup> Rather, the order challenged on appeal is an enforcement order that was issued in connection with a previous temporary support order.

The California Supreme Court has acknowledged that appeals from temporary support orders “have long been authorized.” (*In re Marriage of Skelley* (1976) 18 Cal.3d 365, 367 (*Skelley*)). *Skelley* involved an appeal from an interlocutory order reducing temporary spousal support; consequently, the court held that the order was appealable because it had all the elements of a final judgment. (*Id.* at p. 368.) *Skelley* explains that in marital dissolution cases, “[w]hen a court renders an interlocutory order collateral to the main issue, dispositive of the rights of the parties in relation to the collateral matter, and directing payment of money or performance of an act, direct appeal may be taken. [Citations.]” (*Ibid.*) Thus, where the collateral order doctrine applies, a temporary support order will be subject to direct appeal. (*Id.* at pp. 368-369; see also *In re Marriage of Weiss* (1996) 42 Cal.App.4th 106, 118-119; *Askew v. Askew* (1994) 22 Cal.App.4th 942, 964, fn. 37.)

*Skelley* directs us to look to the substance of the interlocutory order to determine whether it is directly appealable. (*Skelley, supra*, 18 Cal.3d at p. 368.) Where nothing remains for judicial determination except enforcement or compliance or noncompliance with the terms of the interlocutory order, a direct appeal will lie. (*Ibid.*; *In re Marriage of Weiss, supra*, 42 Cal.App.4th at p. 119.)

As previously indicated, appellant has not appealed from the support order. The enforcement order, while directing compliance with the support order, itself did not “direct[] payment of money” and was not otherwise “dispositive of the rights of the

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<sup>2</sup> The parties have each advised this court that the bench trial has concluded and that the trial court is in the process of rendering a statement of decision.

parties in relation to the collateral matter” (*Skelley, supra*, 18 Cal.3d at p. 368) of temporary spousal support. Therefore, the enforcement order is not directly appealable, but is reviewable on an appeal from the judgment finally entered in the action. (See, e.g., *People ex rel. Dept. of Public Works v. Donovan* (1962) 57 Cal.2d 346, 351 [orders striking affidavits and denying new trial motion not appealable orders, but reviewable on appeal from judgment]; *Southern Pacific Co. v. Oppenheimer* (1960) 54 Cal.2d 784, 785-786 [order sustaining objections to interrogatories and granting protective order not appealable, but reviewable on appeal from the judgment]; *Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1554 [denial of summary judgment motion not appealable order].)

To avoid dismissal, in his reply brief appellant attempts to characterize his appeal as one challenging the imposition of monetary sanctions, which is directly appealable if the amount exceeds \$5,000. (Code Civ. Proc., § 904.1, subd. (a)(11).) However, the substance of the order was not the imposition of monetary sanctions; it provides for *issue*, as well as *evidentiary*, sanctions for appellant’s failure to comply with the support order, and thus is not an appealable sanctions order.

“ “The theory behind the [one judgment] rule is that piecemeal disposition and multiple appeals in a single action are oppressive and costly, and review of intermediate rulings should await the final disposition of the case.” ’ [Citation.]” (*In re Matthew C.* (1993) 6 Cal.4th 386, 393.) In this particular case, the challenged enforcement order calls for further judicial action to determine the parties’ rights. Accordingly, we conclude that the enforcement order is interim in nature, and therefore, not appealable.

### III. DISPOSITION

Inasmuch as the July 18, 2008 enforcement order is not appealable, the appeal is dismissed.<sup>3</sup>

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RUVOLO, P. J.

We concur:

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SEPULVEDA, J.

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RIVERA, J.

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<sup>3</sup> Respondent filed a motion to dismiss the appeal. We deferred ruling until the time of decision and now grant the motion to dismiss.